82-1947

NO._____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1982

ERICH KOKER and BEATRICE E. KOKER,

APPELLANTS

VS

FREDERICK V. BETTS and JANE DOE BETTS, his wife, and their marital community, and SKEEL, McKELVY, HENKE, EVANSON & BETTS, Law Firm Of Frederick V. Betts,

APPELLEES

AND

KENNETH L. LeMASTER and JANE DOE LeMASTER, his wife, and their marital community, and SAFECO INSURANCE COMPANY OF AMERICA, and GENERAL INSURANCE COMPANY OF AMERICA, and FIRST NATIONAL INSURANCE COMPANY OF AMERICA.

APPELLEES

ON APPEAL FROM THE COURT OF APPEALS DIVISION I AND THE SUPREME COURT OF THE STATE OF WASHINGTON

JURISDICTIONAL STATEMENT

Beatrice E. Koker
Erich Koker
Pro Se

939--N. 105th St.
Seattle, WN 98133
(206)783-6998

QUESTIONS PRESENTED

The Constitutional protection from an improperly granted, misapplied and misused summary judgment by the terms of 28 USCA - Rule 56 has been violated by Washington State Courts at the trial court, appeallate court and Supreme Court level, and at the same time violating the State Court Rule for summary judgment CR 56, identical to the Constitutional Rule 56.

There is monumental jeopardy to the system of justice to misuse the summary judgment rule DESIGNED FOR GOOD.

I (a)

QUESTION:

Did the trial court in error grant the summary judgment affirmed in error on appeal and refused review in error in the State Supreme Court on three-fourths of the case at bar to all defendants, and DENY

AN ABSOLUTE CONSTITUTIONAL RIGHT TO A TRIAL, FULLY AND FAIRLY HEARD IN A MEANINGFUL MANNER AND REDRESS AND REMEDY AND RESTITUTION to the non-moving party Beatrice Koker -- when facts and evidence, rule and law show this case to be only for the trier of the facts and THE DEFENDANTS DID NOT MEET THE BURDEN OF PROOF nor the elements of 28 USCA Rule 56 and State CR 56?

I (b)

Was the GOOD RULE OF SUMMARY JUDGMENT which protects the non-moving party from denial of rights, misued when the facts of this case do not warrant directed verdict for defendants, there were no defenses, nil defenses, misleading defenses, no motion, motion not in affidavit form, general denial, questions of veracity, substance, doubt, intent, material facts, complexity, deceit, lies, wrongdoing, issues of credibility, obstruction of justice, conspiracy-collusion, and all other elements on record?

II

QUESTION:

Shall a state reviewing court be Constitutionally allowed to reverse a denied summary judgment on cross-appeal not based on abuse of discretion by the judge, but based on false premise of insufficient lack of standard of care affidavit, thus removing a jury issue and right to trial?

II(a)

Question:

Where is the consideration by the review that defendant one did not have an expert witness to say he did meet the standard of care in untruth to a judge, covering up untruths in concert, submitting a pattern jury instruction changing the theory of the case from admitted liability to liability, lack of use of his obvious skill, knowledge and capacity after over 40 years an attorney?

III

QUESTION: Did the Court of Appeals Div I

deny Beatrice Koker Constitutional rights in a meaningless ordeal-appeal and denial of access to the courts, with the court evading and avoiding and misapprehending both appeals and affirming a denial of a right to a fully and fairly heard trial in a meaningful manner, and bypassing the errors and issues, statement of the facts and argument of the appellants briefs, and reversing the right to a trial for legal malpractice by reversing cross-appeal? Is evading and avoiding a federal question in itself?

IV

QUESTION: When a state creates a law to declare an "agency of the state" to be the Bar Association, and compels attorneys to belong and pay dues and be compulsory members or be banned from practice of law, is that an "under color of law" state ruled entity subject to a constitutional challenge to exclude attorneys from under color of law?

QUESTION:

Does temptation to wrongdoing of quasi judicial officers of the courts flourish knowing they are not "under color of Law"? How could being under color of law possibly affect good faith and right and truth of an attorney? Would not the "under color" discourage wrongdoing, instead of committing wrong and hiding behind the escape hatch of "not under color of law"?

V

QUESTION:

The circumstances of the present time demand a change in attorneys who have earned the distrust of people and the changes have come to other segements such as municipalities. Will the under color of law status of an attorney help regain respect for the legal profession and the system? This question first brought to Supreme Court. State.

VI

QUESTION: I challenge the Washington State rule for discretionary rehearings, in that the Constitution of the United States says the "day in court" is not complete until the last rehearing. That is conflict. I challenge the repeal of rule ROA I-50 (rehearing) that denies the right to be heard, at the discretion of the court.

Shall the law of the land allow a rule that says a Supreme Court can decide whether to "hear", instead of deciding a guarantee Constitutionally to HEAR IT and then have the discretion to say yes or no?

Has this petitioner been denied a Federal right to ask reconsideration, rehearing or denial of petition for review and be denied a hearing without a yes or no on the motion?

VII
CLASS

Shall the class of client-litigant-citizen-adversary-injured person be jurisdictionally allowed to enter your court?

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AUTHORITIES

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VS

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APPELLEES

ON APPEAL FROM THE COURT OF APPEALS DIVISION I AND THE SUPREME COURT OF THE STATE OF WASHINGTON

JURISDICTIONAL STATEMENT

Petitioners Beatrice and Erich Koker respectfully ask jurisdiction, or in the

alternative probable jurisdiction to the disposition on the merits, reversal, remand, trial or settlement through the Supreme Court of the United States, reviewing the orders, judgments, opinions of the 3-level courts of the State of Washington.

OPINIONS BELOW

The Court of Appeals Division I of the State of Washington affirmed Superior Court King County rulings and orders which granted summary judgments to all defendants on Cause II III IV of the complaint.

The Superior Court denied summary judgment to Def/Respondent #1 F. V. Betts, et ux, et al for legal malpractice, which denial was REVERSED in cross appeal and petition for review denied.

The petition for reconsideration-rehearing denied to be heard. State remedies exhausted by this pro se citizen.

OPINIONS BELOW
(Superior Court)

Petitioner as plaintiff filed Complaint #864509 June 7, 1979 against Defendants #1 et ux, et al and Defendants #2 et ux, et al.

No one answered the complaint.
Separate Summary Judgment Motions,
Months Apart by Def #1 and Def #2.

Summary Judgment Granted May 16, 1980
Three Parts Complaint To Def #1
(RP "SUMMARY JUDGMENT HEARING")

Summary Judgment Denied May 15, 1980
One Part Complaint
(AT HEARING)

Plaintiffs' Motion Reconsider--June 6, 1980
ation denied.
(AT HEARING)

Judge Recuses Himself June 6, 1980

Summary Judgment Granted Def #2 Feb 20, 1980
Three Parts Complaint
(II III IV - By Letter)

Plaintiff Motion Reconsider- Mar 6, 1980
ation Granted

Reconsideration Denied May 15, 1980
Summary Judgment Granted May 15, 1980

Order May 15, 1980

PLEASE SEE APPENDIX "A"

OPINIONS BELOW
Review

Defendants #1: The Court of Appeals Division I AFFIRMED granting summary judgment three parts of complaint, and REVERSED the denied summary judgment legal malpractice. July 6, 1982 Motion for reconsideration denied Aug 5, 1982:

Defendants #2: The Court of Appeals Division I AFFIRMED granting summary judgment three parts of complaint. July 6, 1982. Motion for the reconsideration denied Aug 5, 1982.

Please note the separate summary summary judgment in Superior Court became separate appeals.

REVIEW
SUPREME COURT OF WASHINGTON

Defendants #1 and Defendants #2 Petition for Review by plaintiff/appellant, (petitioner) DENIED. Motion for reconsideration-rehearing denied. Petition denied Nov 5, 1982, final judges ruling on motion to exhaust all state remedies heard and denied January 7, 1983.

Please see APPENDIX "A"

All orders, opinions, recusal letter of the judge et al will be found in the appendix.

(Def/Respondent #1 A-1 To A-18:

(Def/Respondents #2 B-1 To B-14:

THE UNREPORTED OPINIONS

[No. 9346-1-I. Division One. July 6, 1982.]

ERICK KOKER, ET AL, *Appellants*, v. FREDERICK V. BETTS, ET AL, *Respondents*.

Appeal from a judgment of the Superior Court for King County, No. 864509, William C. Goodloe, J., entered September 3, 1980. *Affirmed in part* and *reversed in part* by unpublished per curiam opinion.

[No. 8935-8-I. Division One. July 6, 1982.]

ERICK KOKER, ET AL, *Appellants*, v. FREDERICK V. BETTS, ET AL, *Defendants*, KENNETH L. LEMASTER, ET AL, *Respondents*.

Appeal from a judgment of the Superior Court for King County, No. 864509, William C. Goodloe, J., entered May 15, 1980. *Affirmed* by unpublished per curiam opinion.

Court of Appeals Division I
32 Wash App 1020 (1982)

Koker, et al, Petitioners, v. Betts, et al, Respondents, No. 49006-6. Petition for review of a decision of the Court of Appeals, July 6, 1982, 32 Wn. App. 1020. *Denied* November 5, 1982.

Koker, et al, Petitioners, v. Betts, et al, Defendants, LeMaster, et al, Respondents, No. 48990-4. Petition for review of a decision of the Court of Appeals, July 6, 1982, 32 Wn. App. 1020. *Denied* November 5, 1982.

Supreme Court of the State of Washington
98 Wn 2d 1003 (1982)

The case at bar is a matter appropriate for this Court's review. This controversy is real and extensive and complex and ugly and a tort case. All is reality, not hypothetical. Federal Quested presented. Ruled.

This repugnant controversy is a claim of rights, a claim for redress and remedy and restitution for manifest deprivation and harm for damages personally, intercepted by court dismissing contrary to law by granting summary judgment, and reversing denied summary judgment. Plaintiff/Appellants/Petitioners Kokers are real parties in interest. The issues are substantive and substantiated with proof from the record. There is obstruction of justice by those with constitutionally given right as attorneys to be entrusted with "protection of permanently injured litigants" and "protection of people legally."

Damages in the case at bar exceed $10,000. many times over.

JURISDICTION

This Court's jurisdiction invoked for both Def/Respondents #1 and #2 under 28 USC §1257(2)(3) AND 28 USCA - Rule 56 and equivalent Washington State Summary CR Judgment Rule 56: Jurisdiction invoked under entire Constitution of the United States and Titles USCA for denial of right of trial fully and fairly heard in meaninful manner by granting of summary judgments contrary to law, fact, rule and evidence. The State Appellate Court Div I affirmed the improper summary judgments given without a motion, general denial, no defenses, nil defenses, motion not in affidavit form, and neither defendant kept the burden of proof.

In addition, the denied summary judgment for malpractice cross-appealed is reversed improperly and prejudicially. The Supreme Court of the state refused review. The Courts of the state have so departed from accepted and usual court of judical proceed-

ings in summary judgment and have sanctioned such departure by lower court as to call for an exercise of supervision and justice from the highest court of land. Grievious harm, deprivation of rights, damages occurred and there is no recourse to proper constitutional right to trial fully and fairly heard in meaningful manner. There is no way for restituion, redress and remedy in State of Washington Courts. Justice is estopped.

The Supreme Court of the State refused to consider reconsideration-rehearing when petitioner applied. The ugly repugnancy of this case at bar being kept out of the courts and denied trial will benefit the defendants and their profession - Attorneys.

The judgments, orders, opinions of Superior Court, Court of Appeals Div I and Washington State Supreme Court for Def-One will be found: APPENDIX A-1 Through A-18: Def-Two: APPENDIX B-1 Through B-14:

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Cited And Set Forth
In Appendix As
Follows:

28 USCA §1257(2)(3): 28 USC 1257(2)(3):	APPENDIX C-60 Thru 63:
42 USCA §1985(2)(3): 42 USC 1985(2)(3):	APPENDIX C-64: 65: 66:
42 USCA §1986:	APPENDIX C-67:
42 USCA §1983:	APPENDIX C-67
28 USCA - RULE 56:	APPENDIX C-68 Thru 73:
CR 56: (State):	APPENDIX C-1 Thru 20:
ARTICLE III §1:	APPENDIX C-74: C-59(b):
AMENDMENT V:	APPENDIX C-75 and C-76:
AMENDMENT VII:	APPENDIX C-77:
Amendment XIV:	APPENDIX C-78 and C-79:
CONSTITUTION STATE OF WASHINGTON	APPENDIX C-80: C-81:
RCW 2.48 STATE BAR ACT	APPENDIX C-82: C-83:

QUASI STATE OFFICER

Attorneys and counselors of a court, "though not properly "public officers", are "quasi state officers" whose justice is administered by the court. Claxton v. Johnson County, 20 S.E.2d 606, 610, 194 Ga. 43.

There is a pyramid of obstruction of justice by the defendants and state courts in the case at bar. There is evading and avoiding facts and issues and error by all. The state courts could not rule without ruling on the Federal Question of a right to a trial. There is eternal departure from summary judgment rules both state and Federal. Both 28 USCA - Rule 56 and STATE rule Cr 56 are set out in excerpts and summary judgment authorities in APPENDIX C-1 Through C-20: and APPENDIX C-43 Through C-58(a): Denial of reconsideration-rehearing motion to be heard, confers jurisdiction on this court.

28 USCS §1257, n 97

> "Decision in terms of Federal question is not essential; if decision of Federal question was necessarily involved in judgment rendered, it is not matter of importance that state court avoided all reference to question." Chapman v Goodnow's Admr. (1887) 123 US 540, 31 L Ed 235, 8 S Ct 211: (Cases Omitted)

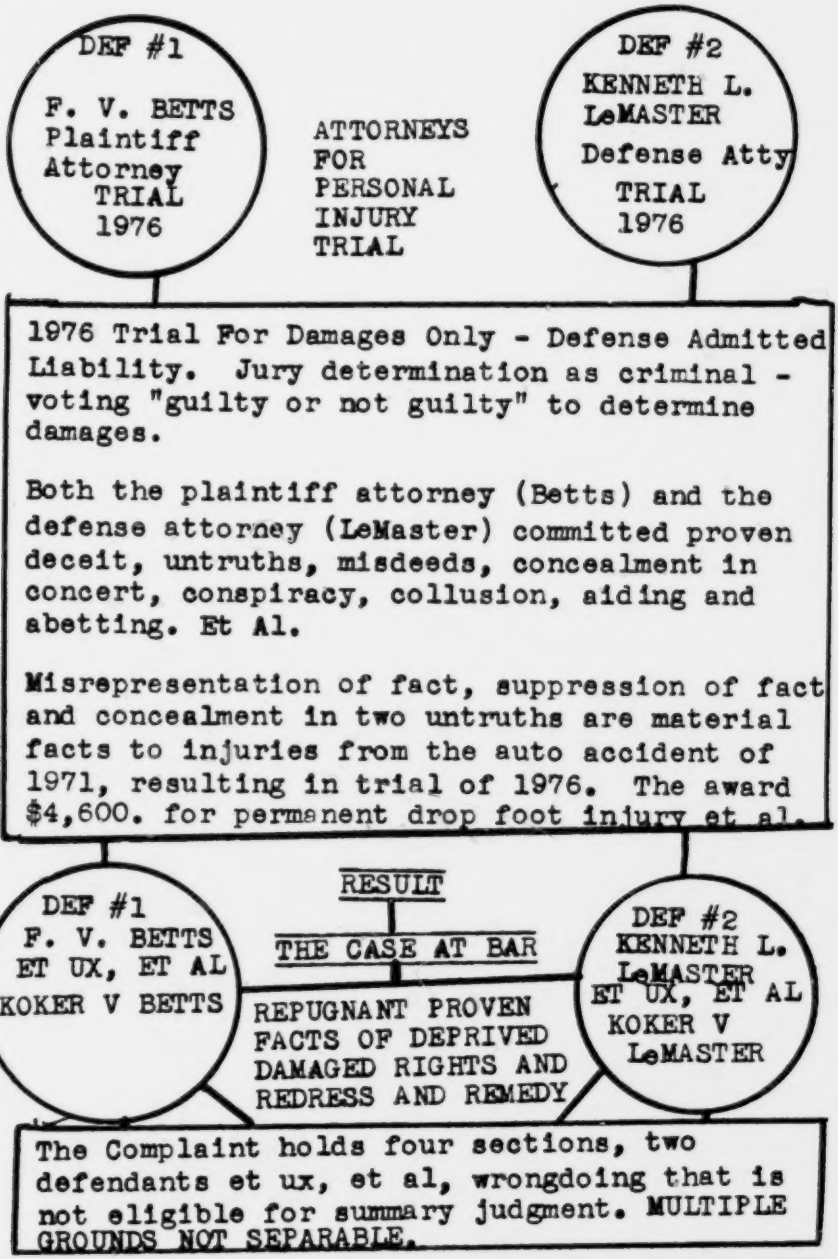
THE CHARACTERS IN THE CASE AT BAR

Frederick V. Betts, was the plaintiff attorney for Beatrice Koker in a personal injury action. Mr. Betts has been staff attorney for an insurance company many years and is well-known as a defense attorney. (I did not know until after he was no longer my attorney.) He is Def/Respondent #1:

Kenneth L. LeMaster was the defense atty in the same personal injury action. He is employed by Safeco Three (title page complaint) who insured both cars in wreck 1971. Mr. LeMaster appeared against Beatrice Koker, their own insured. He is Def/Respondent #2:

Beatrice Koker permanently injured wearing leg brace for life, (drop foot) and permanent cervical injury is petitioner herein and the appellant in appeal below and plaintiff in Superior Court. I am a homebody, not a woman's lib. I have a high school and business school education, and diploma from N. I. A. (newswriting)

STATEMENT OF THE CASE



Beatrice E. Koker, Pro Se
939 - N. 105th Street
Seattle, Washington

STATEMENT OF THE CASE

The Complaint: The complaint in the case at bar filed by Beatrice Koker June 7, 1979. The complaint is evidentiary, certified, affidavited. There are four parts to the complaint for purpose of one trial, multiple grounds not separable.

Part I

This is the legal malpractice against my own attorney CP FILE #1 p 697 - Para 1.16 Through 1.84: Damages Para 1.85 Through 1.89: Appeal #9346-1-I: (Def-One) This action denied summary judgment Superior Court, and reversed on appeal, petition for review - denied.

Part II

The second part of the complaint involves both defendant attorneys One and Two. There are untruths to judges and jury involving both attorneys in concert. The Complaint is identical for both defendants Cause II III and IV.

The complaint is identical for both records. CP FILE #1 p 697 - Def-One (Betts) Appeal #9346-1-I: and CP FILE #1 p 425 - Appeal #8935-8-I: Paragraphs 2.1 Thru 2.58:

Allegations: Paragraph 2.3:

Specific Examples: Para 2.4 Through 2.55:

Damages: Paragraphs 2.56 Through 2.58:

Untruth #1: Para 2.4 Through 2.21:

Untruth #2: Para 2.22 Through 2.31:

Untruth #3: Para 2.32 Through 2.46:

Untruth #4: Para 2.47 Through 2.55:

Untruth #5: Para 2.56 and 2.57:

Part III

This section is closely related to and the result of Part I and II and stated in Paragraphs 3.1 Through 3.9. The allegations include the deliberate and intentional acts in Cause I and II committed by the defendant attorneys who denied me a trial fully and fairly heard in a meaningful manner and denied me a day in court in honesty and truth.

I allege as a class of client, and litigant, citizen, public deprivation and harm and damage from corruption of legal proceedings by quasi-judicial officers of the court in their superior position and alleged improper purpose in trial deliberately and intentionally by both. There is wilful obstruction of justice, denial of due process and equal protection.

Part IV

This is for outrage and anguish. I am crippled, in pain, impaired, disabled and rejected from the accident injuries. I am the victim of totalitarium injustice from the deeds and misdeeds by both attorneys in untruths, deceit, concealment, misrepresentation and suppression of facts material to the injuries in a trial. Para 4.7--4.24:

All defendants and all actions are intertwined and interrelated. The title page states "MULTIPLE GROUNDS NOT SEPARABLE."

Both defendants filed separate summary judgment motions. Def-One motion for legal malpractice only, general denial, no defenses. The attorney-of-record is in conflict with himself three times over this matter and admits there was no motion for three parts of the complaint. The BURDEN OF PROOF was not met. CR 56 and 28USCA -RULE 56 not met.

Def-Two had nil defenses of res judicata that he applied to the elements in the legal malpractice of Def-One. Immunity to defamation did not hold as there were no allegations for defamation. No immunity to third parties as the exceptions in deceit et al. The motion for summary judgment was not in affidavit form. The burden of proof was not met by Def-Two either. The affidavit of Kenneth L. LeMaster raised issues of credibility, and substance and veracity.

The court divided joint-tortfeasors while one was still in proceedings thus kidnapping issues only for the trier.

The summary judgment rules are protective of the non-moving party when the rules are properly invoked. There is treachery and jeopardy and injustice when the summary judgment rules are misappropriated, misused, misapplied, misunderstood and misapprehended.

Both defendants filed the motion for summary judgment without presenting evidence, without meeting the burden of proof. That estopps summary judgment at that point without further proceedings.

The order of the court granted summary judgment Cause II III IV to both defendants, and denied the legal malpractice. A jury demand had been made, and noted for docket trial. But no case, no trial, denied due process throughout the state courts.

This is a proverbial "hot potato case" and involves a learned profession. "Brothers of the profession" indulge in conspiracy of silence, from my personal knowledge, experience.

The trial court dismissed one joint-tortfeasor while the other still litigating, thus separating the concert of action which is only for the trier of the fact. That order also left one lone conspirator, thus the court adjudicated what is only for the trier of fact. "Divided They Fell." It is improper to grant remedy to one party about which both parties are litigating. Wash Court Rules Annot 258 b. 16 CR 56: Summary Judgment Rule set forth APPENDIX C-1 Through C-20:

Summary judgment is not to be granted unless the same facts warrant a directed verdict at trial. Shall there be directed verdict to those who "create victims" from their deceit, wrongdoing, untruths, and misdeeds?

Def-One submitted deposition of the plaintiff doctor with 18 pages missing, and a petition for review submitted by Def-Two

with 17 exhibits missing. Those pages and exhibits were relevant. Beatrice Koker then filed in complete form all of the plaintiff doctors' depositions. Filed, opened, published and transferred to the case at bar.

The preassignment judge recused himself because there was an approx 30 year friendship with one defendant, and an "uneasy feeling from the very beginning." I objected to not revealing this fact before summary judgment proceedings. Recusal Letter APPENDIX A-5:

Petitioner asks probable jurisdiction, or postponement jurisdiction or jurisdiction on appeal to the United States Supreme Court. The STATEMENT OF THE CASE and reference to the facts and CP AND RP records will be found as follows:

DEF/RESPONDENT #1 - APPENDIX A-41 Thru A-58:
Appeal #9346-1-I

DEF/RESPONDENT #2 - APPENDIX B-21 Thru B-40:
Appeal #8935-8-I

ERRORS: A-59: A-60: B-19: B-20:

THE SUMMARY JUDGMENT PROCEEDINGS

Procedural History

No answers to the evidentiary complaint by any defendant. No interrogatories nor depositions. Two separate summary judgments.

MOVING PARTIES FAILED THE BURDEN OF PROOF

The sum total of filed and unfiled documents presented by defendants are as follows:

DEF-ONE (Betts)
Appeal #9346-1-I

Motion For Summary Judgment-
CP FILE #87 p 672:

Affidavit Of F. V. Betts Stating Motion Is For One Cause Only. No Motion For Other Three Parts. No Amendment. General Denial. Summary Judgment Granted Without Motion
CP FILE #86 p 674:

Two Mystery Affidavits By F. V. Betts. No Explanation. Letters To Beatrice Koker Attached To One, And Instructions Of 1976 Trial Attached To Other.
CP FILE #111 p 403: CP FILE #112 p 390:

(ONE LETTER CONSPIRACY FACTOR
(CP FILE #117 p 356: AND UNTRUTH
(#4 CP FILE #1 p 697: Para 2.47-2.55:
(

The skeletal and skimpy filing for summary judgment of Def-Two does not meet the burden of proof. The motion was not even in affidavit form, and is general denial and inappropriate defenses.

MOVING PARTIES FAILED
THE BURDEN OF PROOF

DEF-TWO (LeMaster)
Appeal #8935-8-I

Motion For Summary Judgment -
CP FILE #62 p 411:
Not In Affidavit Form: Objections On Record:

Affidavit Of Kenneth L. LeMaster
Creating Issues Of Credibility And Veracity:
CP FILE #63 p 408:

(CP FILE #73 P 359: Beatrice Koker
And Dr. Wm. K. Sata Affidavits
Attacking Credibility And Veracity

There are the memorandums in support of motion for summary judgment for both defendants, and memorandums in opposition by Beatrice Koker. A numberical list of CP SET FOR IN APPENDIX AS FOLLOWS:

Def-One A-37-38-39-40: Def-Two: B-15-16-17-18:

MEANINGLESS
APPEALS

The State is not required to provide appellate courts, but when appeal is provided, as it is in the State of Washington, then appeal must meet the requirements of due process. Constitution Amendment 14 Note 1240 Appellate Procedure:

The requirements of due process not met on appeal to Court of Appeals Div I. The cross appeal of Def-One is not brought to appellate court for approx 16 months after filing, even though the Def-One had knowledge the cross appeal was still in the CP files below.

An extension of time for one purpose is used for two purposes, one without permission of the court.

A show cause motion and report to court on discrepancies between Def-One Law Firm affidavit and the records of four counties.

The "report" was filed to appellate court relevant to the appeal. Adversary #1 wrote to unfile the report instead of answering the show-cause. Report unfiled.

I refiled it to appeal to the judges, and again it is unfiled and returned to me. The report is here if this court asks to review.

A new issue for review filed, that a trial judge considered a document that was never filed. Ignored. And other.

An additional authority timely filed and unfiled, refiled, unfiled, and filed. A notice the additional authority filed "with no further action," thus violating a right both ways. The additional authority was properly and timely filed and that authority is right on point for reversal or dismissal of cross-appeal. Et al.

The opinions of the Court of Appeals ARE challenged in APPENDIX C-32 Thru C-42:

Appellants Civil Appeal Statement

Appeal #9346-1-I p 60: and Appeal 8935-8-I p 50: relief sought that appellants and respondents each pay their own attorney fees and costs. There was no answer, no objection.

Neither respondent mentioned fees nor costs in their briefs, there was no affidavit by rule days before oral argument, no mention of fees-costs in the oral argument itself.

Def-One handled their expenses and did not submit a bill. But DEF-TWO did. I objected for the aforementioned reasons, and there was no answer on my final motion, but a charge allowed for Def-Two. Objections.

The opinion of the court listed my husband as dead. He is not, but it took an errata to correct their indifference to facts.

The Court of Appeals reversed a denied summary judgment for malpractice. Def-One. The evading conclusion is rejection by that court of the "lack of standard of care affidavit" and in manifest error saying there is no material fact.

The affidavit is in CP FILE #123 p 244: written by an attorney who dared to bridge the conspiracy of silence in the legal area. The Lawyer's Referral advised me to go out of the city for this affidavit as they also met the same wall of silence and avoiding that which would be unpleasant to do against a brotherhood attorney.

The court ruled without even considering abuse of discretion of the court below. The one concerted effort is how to release the attorneys, and not for the justice of the case nor the grievious harm and damage and injury to property of person. APPENDIX C-32 Through C-42: Challenge to decision court.

The Court of Appeals in the case at bar diverted the course of summary judgment protection under the Constitution, and affirmed the granting of summary judgment 3/4 of the case.

The jury questions adjudicated on appeal. As for an example in the reversal of the malpractice in 1 PROFESSIONAL LIABILITY 3-134 §3298:

> "Ore.-- "Where attorneys alleged negligence consisted of failure to properly present factual elements of case, determination of probable result in prior action giving rise to malpractice claim was a jury question."
> CHOCKTOOT V SMITH 571 P 2d 1255
> (Ore. 1977) 2 Prof Liability Rptr 176:

Def-One did not ask key questions of the treating doctor in the trial of 1976 - - he dropped the instruction for pre-existing condition, and failed to call the doctor who took the myelogram and could further prove the damages. THERE IS SUPPRESSION AND MISREPRESENTATION OF MATERIAL FACTS.

CASES BELIEVED TO
SUSTAIN JURISDICTION OF
UNITED STATES SUPREME COURT

Cases cited here are set forth as per rule in APPENDIX C-43 Through C-59: The APPENDIX C-43 Through C-48: are cases of conflicting ruling in Washington State Appellate and Supreme Courts.

The case before the bench is very close to the State Courts because it involves two well-known attorneys. Def-One has also been found negligent and in bad faith by a jury in another case relevant to the contract of attorney-client in the case at bar. Def-One Complaint CP FILE #1 p 697 - Para 4.16 Through 4.19: Appeal #9346-1-I:

Beside each cited case, the reference to the exact page in the appendix for the cases set forth there.

The summary judgment 28 USCA - Rule 56 and State CR 56 are of such, as to deny SJ.

BERNAL V AMERICAN HONDA 11 Wash App 903, 527 P 2d 273 (1974) Division I

This is a personal injury case. The summary judgment granted to defendant in trial court, Court of Appeals affirmed, and Washington State Supreme Court reversed. Conflict Case Washington Courts C-43 C-43(a)

HELLING V CAREY 83 Wn 2d 514, 519 P 2d 981 (1974): Verdict for defendant in medical malpractice, affirmed by Court of Appeals, State of Washington Supreme Court reversed. State Of Washington Conflict Case. C-44

FELSMAN V KESSLER 2 Wash App 493, 469 P 2d 691 (1970): Wrongful death. Summary judgment to defendant, Court of Appeals Div III reversed and remanded. C-45 C-45(a)

IN ESTATE OF WAHL 31 Wash App 815 (1982) Beneficiaries appeal and Court of Appeals Div III reversed and remanded. Summary judgment. C-46

GEISE V LEE 10 Wash App 728, 519 P 2d 1005 (1974): DIV I 84 Wn 2d 866, 529 P 2d 1054 (1975): Judgment in favor of defendants, medical malpractice. DIV I affirmed, and Supreme Court of the State of Washington reversed and remanded. C-47

OLYMPIC FISH PRODUCT V LLOYD 23 Wash App 499, 597 P 2d 436 (1979) Div I: 93 Wn 2d 596, 611 P 2d 737 (1980): C-48

Summary judgment in favor of defendants and Court of Appeals DIVISION I reversed and the State Supreme Court upheld the reversal.

Please note that two of the judges in the Court of Appeals panel in the above case, were the same as in the case at bar. The ruling there was only the attorney Def know what their intent, and for the trier. This has been my contention in this case before the bench and the same court and two of the same judges ruled against me. ? ?

These cases further believed to sustain the jurisdiction of the United States Supreme Court. Cited here and set forth in APPENDIX C-

LAMON V McDONNELL DOUGLAS CORP. 19 Wash App 515, 576 P 2d 426 (1978) a granted C-49 summary judgment reversed and remanded for trial. MORRIS V McNICOL 83 Wn 2d 491, 419 P 2d 7 (1974): a summary judgment in favor of defendants reversed and remanded. C-50

BUNZEL V AM. ACADEMY OF ORTHOPAEDIC 165 Cal Rptr 433 (1980) 107 Cal App 3d 165: Summary judgment granted defendants and supreme court of California reversed. C-51

MURPHY V ALLSTATE INS CO 147 Cal Rptr 565 (1978) 83 Cal App 3d 38. Summary judgment entered for insurer in five causes of action for fraud, conspiracy, bad faith, emotional distress. Reversed. C-51(a)

GRAVES V P. J. TAGGARES CO. 94 Wn 2a

C-52

298, 616 P 2d 1223 (1980): Plaintiff C-52(a)
moving party and Superior Court refused to vacate summary judgment. Court of Appeals reversed, and Supreme Court affirmed. The burden is on the moving party.

BERNARD V VIDRINE 365 So 2d 525 (3rd Cir., 1978) summary judgment granted to defendants. Held that summary judgment C-52 (b)
not intended to be used to circumvent right to trial.

FREIDMAN V MEYERS (CA NY 1973 Second Cir) 482 F 2d 435: Defendants granted C-53
summary judgment, reversed on appeal.

SHERWOOD V MOXEE SCHOOL DIST 58 Wn 2d 351, 363 P 2d 138 (1961): Stating a claim following the accepted rule of the United C-54
States Supreme Court.

HALPERN V LAVINE 60 NYS 2d 121 (1946) Defendants granted summary judgment. Final C-55
ruling reversed.

WITTLIN V GIACALONE 154 F 2d 20 (1946) Summary judgment granted plaintiff, reversed and remanded and summary judgment denied. C-55a

TITSWORTH V MONDO 467 NYS 2d 793 (1978) 95 Misc 2d 233. Attorney filed for summary judgment and it was denied. Whether lawyer's conduct constituted malpractice C-56 is question of fact.

HONEYMAN V HANAN, EXECUTOR 271 NY 564 Judgment vacated. Federal question. C-57

COLLINS V HARDYMAN 183 F 2d 308 (1950) Conspiracy by private individuals not acting under color of state law. C-58

TAYLOR V GILMARTIN 686 F 2d 1346 (1982) Summary judgment granted defendants. The plaintiff appealed and won new trial. C-58(a)

GRIFFIN V BRECKENRIDGE 410 F 2d 817 (1969) Lost in lower courts, and United States Supreme Court reversed. C-59

CIVIL RIGHTS
PRIVATE CONSPIRACIES

The conspiracy and disguise language of what finally became 42 USCA §1985(3) appears to have been from Civil Rights Act of 1871, 17 Stat 13 §2 and applies as well to 18 USC §241. Cong. Globe, 41st Cong. 2d Sess., 3611-3613 (1870)

MEANING OF DISGUISE

There are two meanings in law to the word "disguise." One, the obvious of disguising appearance to conceal the person who wears it, or altering the appearance so as not to be recognized.

The other meaning of disguise which applies to the case at bar is found in Black's Law Dictionary 5th Edition p 420:

> Disguise: "To obscure the existence or true state or character of a person or thing."

CIVIL RIGHTS
PRIVATE CONSPIRACIES

The case at bar involves 42 USCA §1985 (3) even though no negro people are involved, no one inflicted with clubbing physically nor any murder threats. The conspiracy in the case before the bench involves a substle concealment of lies to judges and jury taking a constitutional right to a trial NOT fully and fairly heard in a meaningful manner.

There is a split in the circuits on the issue of whether the GRIFFIN Court's requirement of allegations of racial or class-based requirement for 1985(3) applies to first clause of section 28 USCA §1985(2). The united states Courts of Appeals for the Third, Ninth, and District of Columbia Circuits have concluded that a claim under the first clause of section 1985(2) does not require an allegation of racial or other class-based discrimination. RUTLEDGE V ARIZONA BOARD OF REGENTS

660 F 2d 1345, 1354-55 (9th Cir 1981) and McCORD V BAILEY 636 F 2d 606, 614-617 (D.C. Cir 1980): Cert Denied 451 US 983, 101 S Ct 2314, 68 L ed 2d 539 (1981): BRAWER V HOROWITZ 535 F 2d 830, 840, (3rd Cir., 1976):

The United States Courts of Appeals for the Fifth Circuit and Eighth Circuits have decided that racial or other class-based allegations required under section 1985(3) also applicable to both clauses of section 1985(2): KIMBLE V D. J. McDUFFY, Inc. 648 F 2d 340,346-348 (5th Cir en banc) Cert. denied US , 102 S Ct 687, 70 L Ed 651 (1981): JONES V UNITED STATES 536 F 2d 269, 271 (8th Cir. 1976) Cert. denied 429 US 1039, 97 S Ct 735, 50 L Ed 2d 750 (1977):

The second portion of 42 §1985(2) creates a private cause of action against persons for interference with state court proceedings. Denial of procedural due process and denial of procedural due equal protection

"A lie is a lie, no matter what its subject, and if it is in any way relevant to the case, the district attorney has the responsibility and the duty to correct what he knows to be false and elicit the truth. . ." p 269 NAPUE V ILLINOIS 300 U. S. 264 (1959):

The case at bar holds four untruths by defense attorney regarding litigation and trial. (Def-Two Herein) Def-One, the plaintiff attorney then, knew of these lies and covered up protecting a colleague and grieviously harming and denying rights, redress, remedy, restitution by both to this petitioner. Denial of due process of law. Set forth

In ACTION V GANNON 450 F2d 1227 (1971) The specific language of 14th Amendment §5 enforces rights guaranteed by the Amendment against private conspiracies by individuals as well as under color of law. Set Forth C-43

"Fraudulant concealment" is the intentional nondisclosure of material facts by one owing a duty to disclose." Allen v Layton 235 A 2d 261 (1) (1967) Fraud Wests Key 17: 23 Am Jur Fraud and Deceit §578 p 854

ACTION V GANNON 450 F 2d 1227 (1971)

This is an action on behalf of church members to enjoin interference with church services by human rights demonstrators. Jurisdiction found 303 F Supp 1240 and a preliminary injunction granted. The Court later made the injunction permanent, from which the defendant appealed.

The Court of Appeals held that under civil rights statute affording civil remedy for conspiracy to deprive person or class of persons of equal protection of laws or equal privileges by and arising under that Amendment; and Congress is thus fully empowered to determine that punishment of private conspiracies interfering with the exercise of such a right is necessary to its full protection.

Under Fourteenth Amendment Section 5 Congress has power to enact laws punishing all conspiracies--with or without state action.

PRESENTING FALSE
FACTS TO JURY
PREVENTS DUE PROCESS
TAINTED TRIAL

NAPUE v ILLINOIS 360 U.S. 264 (1959)

At petitioner's trial in state court where he was convicted of murder, the principal witness for state was an accomplice then serving a 199 year sentence for the same murder. The state witness testified at the trial that he had not received a promise of consideration in return for his testimony. The assistant State's attorney had in fact promised him consideration, but the attorney did nothing to correct the witness' false testimony. Held: The failure of the prosecutor to correct the testimony of the witness which he knew to be false denied petitioner due process of law in violation of the 14th Amendment. Reversed.

. In the case at bar, there are lies by attorneys to the judges and jury.

WHERE AND HOW
FEDERAL QUESTION RAISED
(From Record)

Due process means more than just bodies given notice and coming to proceedings to expound. Trials must be fully and fairly heard in a meaningful manner. Rulings, opinions, orders must so reflect.

"CLASS"

There is a definite "class" of persons affected and/or in jeopardy from the facts of the instant case from my ordeal of injury, legal representation, litigation-trial, adversary attorney, system of justice, pro se, and the repercussions and aftermath following.

OBSTRUCTION OF
JUSTICE - 3

(1) Litigation permeated with untruth and deceit of both plaintiff and defense attorneys. Justice obstructed.

(2) Two summary judgment proceedings granted contrary to law, rule, fact, evidence. Obstruction of justice denial of right to trial.

(3) Meaningless appeal evading, avoiding, ignoring and estopping justice.

The Complaint record will be quoted for both defendants, because there is one identical complaint for both. The two summary judgments and two appeals were made separately and must be separately referenced.

Complaint: DEF-ONE CP FILE #1 p 697: (9346)
DEF-TWO CP FILE #1 p 425: (8935)

(DEF-ONE & TWO) **THE COMPLAINT**

Paragraph 3.5/5-7: "I have been denied a fair trial to be fully and fairly heard in a meaningful manner and a "day in court" in honesty and truth."

Par 3/7/12-13: "I allege corruption of legal proceedings in the sanctity of a courtroom by quasi judicial officers of the court."

Para 3.8/15: "I allege an improper purpose in trial."

Para 1.59/28-30: "The attorney Oath and Code of Responsibility protects the public, preserves the Constitution, provides for a fair trial, and prevails for justice."

Para 1.74/28-30: "All acts and omissions and legal wrongs harm the client solely relying upon her attorney to protect."

Para 2.58/30-32: "I ask in damages that in damages the County of King in the State of Washington be reimbursed for trial costs and charges . . ."

COMPLAINT (DEF-ONE and TWO)

Paragraph 3.3/11-18: "I, Beatrice Koker, plaintiff, allege with Specific Examples with Proof that Cause of Action I and Cause of Action II is denial of Civil Rights from corruption in a trial by the attorneys, both plaintiff and defense, denial of PROCEDURAL DUE PROCESS and DENIAL OF EQUAL PROTECTION from an unfair trial, conspiracy, obstruction of justice under the law in the Constitution of the State of Washington and the United States Constitution."

Para 2.8/20-28: "The judge of trial court did not know of the deceit, the misrepresentation and suppression of fact, the judge did not know the jury was being misled. The judge could not know of the lack of good faith, fraudulant concealment, fraudulant conduct, fraud of the court, and the denial of equal protection under the law, the obstruction of justice, the unfair trial, and dishonesty in overt acts, collusion, conspiracy and violating Attorney Oath and Code of Professional Responsibility."

Para 2.16/12-14: "To find discovery of proof of deceit in a trial by attorneys, not expecting deceit from trusted counsels, is to suffer trauma."

Para 1.12: 26-27: "Beatrice Koker trusting in her attorney made an easy target to deceive."

COMPLAINT (DEF-ONE and TWO)

Para 3.5/1-5: "I allege physical aggravation and mental repercussions and emotional reactions and pain and suffering to discover a court proceeding corrupt, so alien to the promises and concept and precautions afforded a fair trial under the State Constitution and Federal Constitution."

FEDERAL QUESTION
FROM RECORD OF
DEF-ONE ONLY

CP FILE #107 p 415: My numbered Page 21/27-32:

"A trial must be fully and fairly heard and if the attorneys conceal, suppress, misrepresent as was done in the trial of 1976, then there is no fully and fairly heard trial because of deceit, lies to the judge and jury. The only redress and remedy is through those who have committed the wrongs. Here. Now."

p 75/20-22: "The fact remains, due to the acts, omissions and legal wrongs of both Frederick V. Betts and Kenneth L. LeMaster, this plaintiff is denied redress and remedy to compensate."

p 55/17-19: "A material fact question is: "WHY?" Was it negligence? Was it conspiracy and collusion? The trier of the fact must be called to decide."

FROM THE COMPLAINT
BOTH DEF-ONE AND TWO

Paragraph 1.13/29-32: "The stringent rules of the legal profession in the Oath of Attorney and Code of Professional Responsibility protects unsuspecting clients unless the attorney disregards his Oath and the CPR and conceals it."

Para 3.6/8-10: "I allege deprivation of fidelity from attorneys in the capacity of a client, a litigant, a citizen, a member of the public that an attorney is sworn to protect."

Para 4.8/4-11: "The attorneys are in a position of knowledge and law and superiority over a plaintiff-litigant-client in court and proceedings and all litigation. The honesty, integrity, honor, dedication, knowledge, responsibility of the attorneys and the court is all that insures a fair trial, and when there is deceit from the attorneys the very protectors of fairness the "day in court" is destroyed and the mental and emotional, and aggravated distress physically over this fact is evident."

Para 1.8/28-31: "As a client of Mr. Betts, I was totally uninformed in law and proceedings and did not know of the wrongdoing before, during or even after trial until as pro se, searching for "errors for appeal" wrongful acts emerged with proof from record."

Para 1.12/26-27: "Beatrice Koker trusting in her attorney made an easy target to deceive."

FROM THE COMPLAINT
BOTH DEF-ONE AND TWO

Para 1.82//8-10: "I had no knowledge of the law or proceedings of the court nor the duties of an attorney at time of trial. The CPR protects even the unsuspecting."

Para 4.16/18-20: "Forced to be pro se because of the wrongdoings of these educated, knowledgeable men who had a duty in the court and failed."

Para 4.14/8-12: "A pro se struggle for justice is hades on earth. I allege a vicious circle of torment left to me legally by deeds and misdeeds in having to learn the outer edge of law to survive the inner edge of deceit as in Action I II III."

Para 1.11/16-22: "I allege intense emotional distress of a panic-search for counsel for appeal, and being COMPELLED to file an appeal without counsel, pro se July 29, 1976. I allege nearly three years of legal physical suffering, legal mental suffering, and legal emotional suffering searching for the truth of wrong-doing in an unfair trial AND FINDING IT, EXPOSING UNTRUTH, AND SUFFERING TRAUMA AND SHOCK."

Para 4.16/17-19: "There was shock and tears to pick a book at random and find Frederick V. Betts named as "Defendant" before the Supreme Court."

Comment: A jury found bad faith and negligence against Frederick V. Betts.
THIS CASE RELEVANT TO CASE AT BAR.

WHERE AND HOW
FEDERAL QUESTION RAISED
APPEAL #9346-1-I
Def-One

Petition For Review:
P 15 First Paragraph:

"Petitioner challenges the constitutionality of holding that attorneys are not "under color of law," on the grounds the Washington State Bar Act RCW 2.48 statute created the Washington Bar Association as an "Agency" of the state and the attorneys are compulsory members of that "agency" or they could not practice law." RCW 2.48.010:

Petition For Review:
p 24 - First Two Para:

(1) "There are two Federal Questions:)1(The Constitution promises a trial that is fully and fairly heard in a meaningful manner. ARMSTRONG V MANZO 380 US 545, 552 The trial of 1976 is a Federal Question in denial of Constitutional trial and obstruction of justice from lies, deceit, "bad faith" and all other that prevented that trial from being fully and fairly heard in a meaningful manner even to the extent of deliberately and intentionally misrepresentation and suppression of material facts to injuries."

(2) "The second Federal Question regards the State Bar Act RCW 2.48 BY THE STATE OF WASHINGTON creating an

"agency of the state" called the Washington Bar Association. Attorneys are compulsory members of that agency. I challenge the Constitutionality of excluding attorneys from liability "under color of law."

THE SAME QUESTIONS PRESENTED THE SAME WAY IN APPEAL #8935-8-I #2: IN THE PETITION FOR REVIEW - p 17 and 20:

VOLUMINOUS

The references to the complaint which relate to both defendants set forth herein. The voluminous accounts will be set forth in the appendix as follows:

APPENDIX A-61 Through A-72: FEDERAL QUESTION
APPEAL #9346-1-I: DEF-ONE #1:
APPENDIX A-73 Through A-78: THE CLASS

APPENDIX B-41 Through B-54: FEDERAL QUESTION
APPEAL #8935-8-I: DEF-TWO #2:
APPENDIX B-55 Through B-62:

These quotations from CP, ORAL ARGUMENT, APPEAL, CIVIL APPEAL STATEMENT AND ANSWER, OPENING AND REPLY BRIEFS. ALL LEVELS.

RECONSIDERATION
REHEARING

The State of Washington made the rehearing rule "discretionary" with the court. In the case at bar, within 10 days after the petition for review was denied, I made a motion for reconsideration with the xeroxing from the newest Appellate reference: Filed November 18, 1982:

RECONSIDERATION OF COURT OF APPEALS DECISION
See Reconsideration of Appellate Court Decision.

RECONSIDERATION OF SUPREME COURT DECISION
See Reconsideration of Appellate Court Decision.

On p 15/13-15 this petitioner said

"Courts are instituted with a duty to see that the right of every citizen to have his day in court, as well as fundamental rights, are maintained inviolate."

ARTICLE III §1 Note 121:

p 16/6-8:

"Action of state courts and state judicial officers in their official capacities is "state action" within provision of this clause." CONSITUTION AMENDMENT 14 Note 160:

Much Constitutional Law was quoted.

And I awaited their discretionary ruling.

A special journey to Olympia to file the motion for reconsideration-rehearing was made on the importance of this document. The day after the personal filing, the mandate was issued from the Court of Appeals Div I.

A motion was made to the Supreme Court after receiving word from their Clerk that my motion was being filed with no further action. It was an absolute right to be determined and my motion was there before the mandate was issued.

Another motion to the court appealing the Clerk's ruling to the Supreme Court Justices. The motion was accepted to be heard January 7, 1983 at which time they affirmed the Clerk's ruling and denied me the absolute right to be heard with a discretionary yes or no.

Beatrice Koker presented Art 4, §2 of the Constitution of the State of Washington. EVADING AND INJUSTICE AND DENIAL.

REASONS FOR GRANTING THE WRIT AND WHY THE QUESTIONS ARE SO SUBSTANTIAL

There is no racial issue, because I am not colored. No fishing nor Indian rights involved - - I do not fish and am not Indian. The anti-trust is not possible in the league of impoverishment. No banking, no utilities, no communications issues. I am too old for the abortion controversy.

You have at your doorstep a precedent that should and may change the law of the land to include attorneys under color of law for the purpose there shall be no consternation among legal professionals over this fact, if their intent is good-faith and truth and honor and integrity.

The late Honorable Mr. Justice Jackson, concurring in Hickman v Taylor 329 U.S. 514, 515 says:

> "But it is too often overlooked that the lawyers and the law office are indispensable parts of our administration of justice . ."

The Constitutional Promises of a trial fully and fairly heard in a meaningful manner would also respond to banishment of temptation to attorneys to do wrong, and inundate the Courts with old-fashioned constitutional format of "the truth, the whole truth, and nothing but the truth."

14 FPD 2d 621 Wests Key 314
CONSTITUTIONAL LAW

"Right to confront and cross-examine witnesses is fundamental aspect of procedural due process." Jenkins v McKeithen, 89 S Ct 1843, 395 U.S. 411, 23 L Ed 2d 404, Rehearing Denied 90 S Ct 35, 396 U.S. 869, 24 L Ed 2d 123 (1969):

"Duties imposed upon the Supreme Court, the Court of Appeals and Superior Courts under the Constitution include, among others, the fair and impartial administration of justice and the duty to see that justice is done in cases that come before them." RCWA CONSTITUTION Art. 4, §1; Art 4 §30, as amended Amend. 50 Iverson v Marine Bancorporation 517 P 2d 197, 83 Wash 2d 163 (1973):

A meaningless appeal, a denied summary judgment on three-fourths of the case, refusal of review has left a shambles of justice and a mire of injustice and an agony to bear.

The summary judgment denied in one cause - legal malpractice. To not appeal and go to trial with one-fourth of the case is "concealment of concealment" by court order of the wrongful acts, omissions and legal wrongs. I was faced with either asserting a Constitutional Claim and appeal or abetting the wrong of adversaries and the order of the court. I APPEALED.

JURISDICTION: USCA AMENDMENT 1:

> "Standing should be found whenever a plaintiff is faced with a choice of either asserting a Constitutional claim or complying with and abetting a discriminatory policy."
> Wilson v Chancellor 418 F Supp 1358

This petitioner comes to you with the result of a meaningless appeal, and evading and avoiding proper disposition of this case.

go to great lengths to protect the non-moving party, so as not to deprive a right by law. Summary judgment is a lethal weapon in the hands of those who misuse it, and courts must be mindful of the aims and targets and beware of overkill in the use of this rule. No court calendars can be cleared by misuing summary judgment for that purpose. Summary judgment remedy is extreme and not to be used as a substitute for a trial and must be granted cautiously in order to preserve substantive rights and used sparingly because a party's right to present a case to a jury can be cut off.

THE BURDEN OF PROOF MUST BE KEPT!

|| Citation || CONSTITUTION OF THE UNITED STATES AMENDMENT 14 Note 1036 p 793

"A ruling based on evidence which a party has not been allowed to confront or rebut is one which denies due process." Carter v Morehouse Parish School Bd. C. A. La (1971) 441 F 2d 380, Cert Denied 92 S. Ct. 201, 404 U. S. 880. 30 L Ed 2d 161:

JUSTICE IS DEAF OR NO ONE LISTENS

The difference between the words of authority and law and acts of the court in the case at bar, is a prime example of "forked tongue." The rehearing, for example:

> UNITED STATES CONSTITUTION West's Pacific Digest Vol 8 p 421 XII West's Key 321 Constitutional Guaranties
>
> > "Defendants "day in court" is not complete until his motion for rehearing before the Supreme Court is determined." State v Pudman 177 P 2d 376m 65 Ariz 197:
>
> MODERN CONSTITUTIONAL LAW §7 p 14 "ONE'S DAY IN COURT"
>
> > "The United States Supreme Court has referred to "the right to be heard" as "one of the most fundamental requisites of due process." "Again, it has stated: A fundamental requirement of due process is the opportunity to be heard." Armstrong v Manzo (1965) 380 U.S. 545, 14 L Ed2d 62, 85 S Ct 1187:

The denial of rehearing is an independent ground for review under this court's power to supervise - -" 345 U.S. 247, 260:

EULOGY

The jeopardy has
already begun and
I am a court orphan
because of it.

I am a pro se
(legal leper)
because of the
court jeopardy.

I am without a
right to a trial
and no redress
nor remedy nor
restitution
because of court
proceedings,
wrongfully using
summary judgment
and state evading,
and avoiding.

To bury this case
at bar demands
resurrection.

#

- 60 -

Court system in jeopardy, Burger says

P-I News Services

NEW YORK — Chief Justice Warren Burger said yesterday that unless drastic changes are made, the American court system "may literally break down before the end of this century."

Burger said that the courts are being swamped with cases and that new approaches are needed on such fundamental aspects of the judicial process as the structure and administration of the federal court system and the manner in which cases are handled in court.

"We have reached the point where our systems of justice — both state and federal — may literally break down before the end of this century, notwithstanding the great increase in the number of judges and the large infusion of court administrators," the chief justice said.

Burger made his remarks to a law-school sponsored dinner in New York City.

Burger cautioned that the "workings of courts are falling into disrepair in spite of many improvements," adding that courts face continually mounting workloads.

"In the face of these constantly rising hydraulic pressures on the courts, the time has come to take a fresh, hard look," the chief justice said. "It is time to embark on a comprehensive study of the judicial process."

Burger frequently has spoken out on the need for reforms of the legal system, and has proposed measures such as a greater use of arbitration to relieve clogged courts.

Yesterday's speech to a dinner sponsored by New York University and the Institute of Judicial Administration, however, sounded a particularly severe warning about the legal system.

CONCLUSION

The judicial process rebukes untruth. Deceiving the court is treble damages.

> . Officers ⇐116
> Title of office, quasi-judicial or even judicial, does not of itself immunize officer from responsibility for unlawful acts which cannot be said to constitute integral part of judicial process.

Petitioners have taken this writ and/or appeal in good faith. Petitioner respectfully asks the United States Supreme Court to reverse all orders and rulings of the state courts of Washington, and restore this case to a trial fully and fairly heard in a meaningful manner, or in the alternative to settlement out of court to the justice of the damages. I ask forgiveness for the ineptness of presentation but ask you to weigh the sincerity.

Def #1 Atty:
Ingrid W. Hansen
Betts, Patterson & Mines 900 4th Ave
Seattle, Wn 98164
(206) 292-9988

Def #2 Atty:
William Helsell
Helsell, Fetterman, Martin, Todd & Hokanson
1500 Washington Building Seattle, Wn 98101
(206) 292-1144

Respectfully submitted,
Beatrice E. Koker, Pro Se
939 N. 105th St
Seattle, Washington
(206)783-6998

Erich Koker
Erich Koker Pro Se